

REMARKS

By the foregoing, claims 1-4 have been amended, claims 12-16 have been canceled, and new claims 17-44 are presented. Upon entry of the foregoing amendments, claims 1-11 and 17-44 will be pending in the above-captioned application.

The foregoing amendments are believed to place the application in condition for allowance, and to reduce the issues for appeal. Accordingly, Applicants respectfully request entry of the foregoing amendments, reconsideration, reexamination, and allowance of the application.

Page 2 of the Office Action sets forth objections to the drawings and specification as not illustrating or describing the subject matter of Claims 12 and 13, directed to an absorbent article in which the wetness indicator is in direct contact with the absorbent body. Claims 12 and 13 have been canceled. Therefore, withdrawal of the objections to the drawings and the specification is respectfully requested.

As claim 12 has been canceled, the rejection under 35 U.S.C. §112, first paragraph, set forth at page 3 of the Office Action, is no longer applicable.

Page 3 of the Office Action sets forth a rejection of claim 3 under 35 U.S.C. §112, second paragraph, based on the phrase "the strip is a differently colored or tinted part of the backsheet itself." Claim 3 has been amended to recite that the absorbent article includes a liquid impervious backsheet and a separate strip of material fastened on an inside of the backsheet, the strip having a different color or tint than the backsheet. Accordingly,

withdrawal of the rejection of claim 3 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Pages 4 and 5 of the Office Action set forth a rejection of claims 1-11 and 13-16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,354,289 to *Mitchell et al.* For the following reasons, claim 1 as amended is believed to be allowable over *Mitchell et al.*

Claim 1 is directed to an absorbent article comprising a liquid-impervious backsheet comprising a strip part and a remaining part, with the strip part being an integral part of the backsheet, and the strip part having a different color or tint than the remaining part of the backsheet. A wetness indicator is arranged at an inside of the liquid impervious backsheet in a pattern and is visible through the backsheet. The wetness indicator is applied on or adjacent to the strip. The absorbent article also includes a liquid pervious topsheet and an absorbent body enclosed between the topsheet and the backsheet. *Mitchell et al.* does not disclose an absorbent article having all of these features.

Mitchell et al. includes a capacity monitor 20 which is intended to indicate when the liquid contained in the diaper reaches a certain threshold. The capacity monitor 20 includes an indicator 24 arranged between a water impervious baffle 22 and a water impervious backing sheet 12. The *Mitchell et al.* indicator 24 is a hot melt adhesive between the baffle 22 and the backing sheet 12. Liquid in the *Mitchell et al.* fluff layer 26 of the absorbent core 16 can reach the indicator 24 only if the amount of liquid in the fluff exceeds a

threshold liquid level so that the liquid can pool or puddle on the backing sheet 12 to travel around the free edges of the baffle 22. See column 7, lines 34-68.

The Office Action points to the *Mitchell et al.* indicator 24 as corresponding to the claimed wetness indicator and to *Mitchell et al.* baffle 22 as corresponding to the claimed strip. However, as mentioned above, the strip 22 is a separate piece of material separated from the back sheet 12 by a ribbon of hot melt adhesive 24. Therefore, the *Mitchell et al.* baffle 22 cannot correspond to the claimed "strip part being an integral part of the backsheet" of claim 1.

For at least this reason, *Mitchell et al.* does not anticipate claim 1.

Independent claim 2 recites that the absorbent article includes a plurality of wetness indicators arranged at an inside of the liquid impervious backsheet in a pattern and being visible through the backsheet, wherein the wetness indicators are applied on or adjacent the strip. A separate strip of material is fastened on the inside of the backsheet and the separate strip of material has a different color or tint than the backsheet. *Mitchell et al.* does not disclose an absorbent article having all of these features.

In particular, *Mitchell et al.* does not disclose a plurality of wetness indicators arranged at an inside of the liquid impervious backsheet in a pattern. Instead, the *Mitchell et al.* indicator 24 is a single ribbon of hot melt adhesive arranged between the baffle 22 and the backing sheet 12. See Figures 3 and 4. Therefore, *Mitchell et al.* cannot anticipate claim 2. Nor is there any indication in *Mitchell et al.* that it would be desirable to include more than one wetness indicator.

Independent claim 3 recites that the strip is a separate strip of material fastened on an inside of the backsheet, the strip having a different color or tint than the backsheet, and that the wetness indicator is applied adjacent to the strip in an area of the backsheet not covered by the strip. This feature is not disclosed in *Mitchell et al.* As discussed above, the indicator 24 which comprises a ribbon of hot melt adhesive, is arranged between the baffle 22 and the backing sheet 12 to prevent contact between the liquid held in the absorbent core and the indicator 24 until a threshold level of liquid is present (Figs. 3 and 5; col. 7, lines 2-10). Thus, *Mitchell et al.* does not disclose a wetness indicator applied adjacent to a strip in an area of the backsheet not covered by the strip. Therefore, *Mitchell et al.* cannot anticipate claim 3.

Independent claim 4 is directed to an absorbent article comprising a liquid pervious topsheet, a liquid impervious backsheet, an absorbent body enclosed therebetween, and a wetness indicator arranged at an inside of the liquid impervious backsheet in a pattern and being visible through the pattern. The liquid impervious backsheet includes a strip having a different color or tint than a remaining part of the backsheet. The wetness indicator is applied on or adjacent the strip. The color or tint of the strip is an indication of the size or total absorption capacity of the absorbent article.

Mitchell et al. does not disclose at least the feature that the color or tint of the strip is an indication of the size or total absorption capacity of the absorbent article. In discussing claim 4, the Office Action indicates that the *Mitchell et al.* indicator and the strip act as a capacity monitor, e.g., that the diaper has a capacity to receive liquids as evidenced

by a color change, and that the presence of the strip is an indication of the product type, e.g., a wetness indicating diaper. However, as amended, claim 4 recites that the color or tint of the strip is an indication of the size or total absorption capacity of the absorbent article. There is no disclosure in *Mitchell et al.* that the total absorption capacity of the absorbent article is indicated by the color or tint of the strip. Instead, the color or tint of the strip indicates only that a particular threshold amount of liquid is present, rather than indicating a total absorption capacity of the article. Nor is there any disclosure in *Mitchell et al.* that the indicator 24 of *Mitchell et al.* indicates the size of the absorbent article.

Accordingly, *Mitchell et al.* does not disclose an absorbent article having each of the features of independent claim 4. Therefore, *Mitchell et al.* cannot anticipate claim 4.

For at least the foregoing reasons, independent claims 1-4 are believed to be allowable over *Mitchell et al.*

Dependent claims 5-11 are believed to be allowable for at least the same reasons that claim 1 is allowable. Applicants therefore respectfully request withdrawal of the rejection of claims 5-11.

New claims 19-25, 28-34, and 35-42 are presented to present the subject matter of claims 5-11 in claims depending from independent claims 2, 3, and 4, respectively. Therefore, claims 19-25, 28-34, and 35-42 are allowable for at least the same reasons that claims 2, 3, and 4, respectively, are allowable.

New claims 17, 26, and 42 depend from claims 1, 2, and 4, respectively, and recite that the wetness indicator is disposed on the strip. These claims are allowable for at least the same reasons that claims 1, 2, and 4 are allowable.

New claim 27 depends from claim 2, and recites that the wetness indicator is disposed on the part of the backsheet not covered by the strip. Claims 18 and 43 depend from claims 1 and 4, respectively, and recite that the wetness indicator is disposed on the remaining part of the backsheet. As discussed above, *Mitchell et al.* includes the indicator 24 between the baffle 22 and the backing sheet 12. Therefore, the *Mitchell et al.* indicator 24 cannot correspond to the claimed wetness indicator of claims 18, 27, and 43.

For at least the foregoing reasons, new claims 17-43 are allowable over the prior art of record. Entry of the new claims and favorable action on the new claims is respectfully requested.

The application is believed to be in condition for allowance. Entry of the foregoing amendments and favorable action on the application are respectfully requested.

Should the Examiner have any questions regarding this Amendment, or regarding the application in general, she is cordially invited to contact the undersigned at the number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: Sally A. Ferrett
Sally A. Ferrett
Registration No. 46,325

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620